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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,577	10/12/2000	Edward C. Edelman	153501-0091/P01986NS	2635
7590	02/19/2002			
Rachele Wittwer Irell & Manella LLP 1800 Avenue of the Stars Suite 900 Los Angeles, CA 90067			EXAMINER	GONZALEZ, JULIO C
		ART UNIT	PAPER NUMBER	
		2834		

DATE MAILED: 02/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/689,577	EDELMAN, EDWARD C.
Examiner	Art Unit	
Julio C. Gonzalez	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 07 January 2002.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-15 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 12 October 2000 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8. 6) Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 1/7/02 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Command and control system for multiple turbogenerators and method of using a selected control mode.

Drawings

3. The drawings are objected to because in figures 5, the reference number next to the reference number 102 (comparator) is difficult to read; also in figure 5, reference number next to the reference number 103 (error signal) is difficult to read. In figure 7, the reference number next to the reference number 123 (error signal) is difficult to read. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the plurality of turbogenerators as disclosed in claim 1 and the output of the plurality of individual turbogenerators as disclosed in claim 1 and the proportional-plus-integrated control as disclosed in claim 8 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, what is meant by having a "plurality of disconnect switches"? Are the switches disconnected? Are the switches been used for making contact between the turbogenerators controller and the bus? Are the switches open (disconnected) all the time?

In claim 2, what is meant by the statement "and in addition"? what specifically is the addition material been done?

In claim 3, is the selected control mode the same as the utility load following mode?

Are those two modes the same? According to the claim both modes are equal? What is the relationship between modes and the utility power consumption and turbogenerator power generation?

In claim 9, what is the sequencing related to? The starting of the turbogenerator? The stopping? Or the sequencing a complete cycle (starting, stopping, loading)? When the sequence starts and when does it finishes?

In claim 11, the turbogenerator is shut down, yet in claim 13, the turbogenerator is restarted in the event of a shutdown?

In claim 15, what is meant by the power hysterisis bands? Are these components of the controller or commands of the control mode? What is meant by set points? What is the difference between the set points and the rate limits?

In order to advance prosecution in the merits, the Prior Art will be applied as best understood by the examiner.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lampe et al in view of Peticolas.

Lampe et al discloses a command control for a plurality of turbogenerators 18 having a control system bus (see figure 4), a load 10, a utility grid 12, disconnect switches 40 and a junction box (see figure 6). Also, Lampe discloses several control modes for operating the turbogenerators (see claims 7, 10, 11).

However, Lampe does not disclose using a relay.

On the other hand, Peticolas discloses for the purpose of avoiding over speeding the turbine and transferring/storing efficiently extra energy, a switching device, a bus with a relay 85 (see figure 5), a power meter 288 (see figure 7) and disconnect switches 252.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design a controller for a turbogenerator as disclosed by Lampe et al and to modify the invention by using a relay for the purpose of avoiding over speeding the turbine and transferring/storing efficiently extra energy as disclosed by Peticolas.

Response to Arguments

9. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio C. Gonzalez whose telephone number is (703) 305-1563. The examiner can normally be reached on M-F (8AM-5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Jcg

February 8, 2002



NESTOR RAMIREZ
EXAMINER, PATENT & TRADEMARK OFFICE
U.S. DEPARTMENT OF COMMERCE